

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DEAN BURG,

Plaintiff,

v.

ORDER
13-CV-1121S

PRIMAL VANTAGE COMPANY, INC., DICK'S
SPORTING GOODS, INC., and DICK'S
SPORTING GOODS,

Defendants.

1. On November 14, 2013, Defendants removed this product liability action from New York State Supreme Court, Erie County on the basis of diversity jurisdiction. Plaintiff moved to remand the matter back to state court on December 3, 2013.

2. On December 4, 2013, this Court referred this matter to the Honorable Hugh B. Scott, United States Magistrate Judge, to hear all dispositive motions and file a report and recommendation containing findings of fact, conclusions of law and a recommended disposition of such motions pursuant to 28 U.S.C. § 636(b)(1)(B) and (C).

3. Judge Scott filed a Report and Recommendation on Plaintiff's motion to remand on February 4, 2014, in which he noted that Defendants failed to file any opposition. Judge Scott nonetheless considered Plaintiff's motion on the merits, and recommended that the motion be granted and the matter remanded to state court.

4. No objections to the Report and Recommendation were received from any party within fourteen (14) days from the date of its service, as required by 28 U.S.C. § 636(b)(1)(C) and Rule 72(b) of the Federal Rules of Civil Procedure and the Local Rules of Civil Procedure of this Court.

IT HEREBY IS ORDERED, that this Court ACCEPTS Judge Scott's Report and Recommendation (Docket No. 13) in its entirety;

FURTHER, that Plaintiff's Motion to Remand (Docket No. 8) is GRANTED;

FURTHER, that the Clerk of the Court is directed to transfer this case to the New York State Supreme Court, County of Erie.

FURTHER, that the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: April 21, 2014
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
Chief Judge
United States District Court